

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

WP(C).No. 25306 of 2007(K)

PETITIONER:

**SYED MOHAMMED, PROPRIETOR OF BUNK NO.100
BEARING M.C. NO.683 RESIDING AT SABIR MANZIL,
DARSANA NAGAR 229, PATTATHANAM, KOLLAM.**

BY ADV. SRI.K.SUBASH CHANDRA BOSE

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. SECRETARY TO GOVT.,
REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.**
- 3. THE DISTRICT COLLECTOR, KOLLAM.**
- 4. THE EXECUTIVE ENGINEER,
B & R DIVISION, PWD, KOLLAM.**

BY GOVERNMENT PLEADER SMT.M.K.PUSHPALATHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ANTONY DOMINIC, J.
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W.P.(C) NO. 25306 OF 2007 K
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Dated this the 1st day of November, 2007

J U D G M E N T

Petitioner seeks a direction from this court to the respondents to desist from demolishing bunk No.100 bearing M.C.No.683 and evicting the petitioner from the plot held on Kuthakkapattom, in which the petitioner is conducting business. It is submitted that since long he has been paying kuthakapattom rent as well. It is stated that although there is no public purpose requiring his eviction from the premises, he is sought to be driven out of the place on political influence of his rivals.

2. Learned Government Pleader on instructions, submits that the eviction of the petitioner was necessitated following the widening and retarring of the road. It is stated that there is a proposal for construction of foot path also. As a result of this, according to the learned Government Pleader, additional extend

of land is necessary and hence this plot is also needed for the Government.

3. In any case, the land is not that of the petitioner and even according to him, it is held on Kuthakapattom. In such a case, it is always open to the respondents to resume the land if there is a need for the same. The requirement highlighted by the learned Government pleader cannot be said to be unwarranted. If that be so, there cannot be any valid objection from the petitioner's side.

4. However, there is substance in the contention of the petitioner that even without notice giving him reasonable time to vacate from the premises, he is sought to be evicted. It is also contended that he has been singled out in as much as people who are similarly situated and occupying places similar to one occupied by the petitioner are allowed to retain the same. This is a matter to be examined by the respondents. If as a matter of fact, there are similarly situated people, who continue without being disturbed, the petitioner's case also cannot be treated in a

different manner.

5. Further, if the petitioner is to be evicted, that can be done after taking into account the aforesaid contention of the petitioner and by giving him a reasonable notice to vacate from the premises.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp